

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION No. 1:23-cv-00734-WO-JEP**

ANITA S. EARLS,

Plaintiff,

v.

NORTH CAROLINA JUDICIAL
STANDARDS COMMISSION, *et al.*,

Defendants.

**SECOND DECLARATION OF
BRITTANY PINKHAM**

I, Brittany Pinkham, declare as follows:

1. I am the Executive Director of the North Carolina Judicial Standards Commission (the “Commission”).

2. I have reviewed the declaration of Wanda G. Bryant submitted in this action. I was not working at the Commission while Judge Bryant served as chair of the Commission. I do not have firsthand knowledge of the Commission’s practices during Judge Bryant’s tenure as chair.

3. Since I began serving on the Commission’s staff in 2021, I have attended all Commission meetings, which occur approximately once per month, where a panel of the Commission considers complaints. I have also reviewed the minutes from Commission meetings since 2018. At those meetings, Commission panels have often voted, sometimes multiple times per meeting, to dismiss a complaint and direct the Commission staff or Chair to communicate with a judge regarding an issue raised in the complaint. The Commission

uses such informal communications as opportunities to remind judges about the importance of complying with certain Code provisions, which is in furtherance of the Commission's objective of providing guidance and education to judges. Even if a complaint is dismissed, there is often a lesson to be learned from the complaint process. This has been a regular practice of the Commission dating back to, at least, the beginning of 2018.

4. The Commission notified Justice Earls's counsel of the dismissal of the first complaint on or about May 12, 2023, and provided informal advice regarding Canon 2A relating to Justice Earls's public statements. On August 11, 2023, an investigative panel voted to initiate a formal investigation into statements Justice Earls reportedly made in a Law360 article titled "North Carolina Justice Anita Earls Opens Up About Diversity," published on June 20, 2023. Because the Commission had recently concluded an investigation into Justice Earls's statements in May, and because the subject matter of the new formal investigation related to the informal advice the Commission had given Justice Earls regarding Canon 2A at the close of the first investigation, the Commission voted that the second investigation could retain the same internal matter number as the first complaint.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 1ST, 2023.


Brittany Pinkham